

**Notice of Allowability**

Application No.

10/753,531

Examiner

Laura C. Hill

Applicant(s)

KENMOCHI ET AL

Art Unit

3761

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks and Amendments filed 28 February 2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 09 January 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Pull-on Disposable Wearing Article with Folding Guide Lines and Longitudinal Barriers.

### ***Allowable Subject Matter***

2. Claims 1-20 allowed.

The following is an examiner's statement of reasons for allowance:

a) Shikata *et al.*, US 4,661,102, discloses disposable diaper 20 with multiple tensioning means 60 associated with longitudinal side flaps for imposing outward lateral tension on the crotch portion C of diaper 10 when in use (col. 6, ll. 65-69). The Shikata *et al.* reference further discloses crotch tensioning means 60 must comprise one or more elasticized member 65 extending from attachment area 70 that is preferably located adjacent the longitudinal edge 45/inwardly spaced of absorbent core 40 within crotch portion C of diaper 10 (col. 7, ll. 4-8). The Shikata *et al.* reference further discloses elasticized members 65 extending radially outward from attachment areas 70 forming V-shaped elasticized tensioning means 60 along single attachment lines 70 (col. 8, ll. 24-29). The Shikata *et al.* reference discloses tapering elastic members but the elastic members are *not separate structures* from folding guidelines as claimed. Furthermore the first and second zone equivalents of Shikata *et al.* form a tuck but they do not *pull*

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*inward* to do so. The Shikata *et al.* reference also does not have an absorbent core *absent from the first and second zones*.

b) Ronnberg *et al.*, US 5,814,036, discloses forming a blank with first fold lines 9 which enclose third/central receiving zone 7 and extend over absorbent body 3 (col. 7, ll. 26-27). Ronnberg *et al.* further discloses first and second fold lines, 9 and 11a and 11b respectively, taper towards or away from transverse middle (fig. 5). Ronnberg *et al.* further discloses elastic 13 in fold 8 disposed along fold lines (claim 5). Ronnberg *et al.* discloses a blank *rather than a wearing article with waist and leg-surrounding lateral margins*. Furthermore the elastic 13 is disposed *outside rather than inside* the side edge of absorbent body 3 (figure 7). Furthermore the elastic band 14 of Ronnberg *et al.* is mounted along side edges 19 of blank 4 but these elastic members 13, 14 are *not necessarily disposed between* longitudinal barriers (col. 6, ll. 47-49). Ronnberg *et al.* also does not have an absorbent core *absent from the first and second zones*.

c) Suzuki *et al.*, EP 0,988,846 A2 discloses diaper 1 with first folding guide line X1 extending transversely of diaper 1 so as to bisect a longitudinal dimension thereof, a pair of second folding guide lines X2 extending in parallel to each other and lying between the first folding guide line X1 and longitudinal opposite ends 11, 12, and a pair of third folding guide lines Y1 extending in parallel to each other longitudinally of diaper 1 and lying immediately outside the respective side edges of absorbent core 4 (paragraph 0012). The absorbent core 4 of Suzuki *et al.* is not present in zones of the diaper 1 defined between the respective outer ends 11,12 of the front and rear waist regions 20,22 and the second folding guide lines X2, X2 adjacent the waist regions 20,

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22 (paragraph 0019, lines 34-38). Suzuki *et al.* discloses folding lines are *not tapering*, nor are there any motivation to modify Suzuki *et al.* to form an equivalent structure as claimed. Furthermore the elastic members 6 of Suzuki *et al.* are longitudinally stretched during folding but not *pre-stretched* (paragraph 0020, lines 1-4).

d) Sasaki *et al.*, EP 0,951,890 A2 discloses pants type disposable diaper with absorbent pad 3 having third and fourth elastic members 33, 34 but the elastic members are *outwardly spaced* from longitudinal barrier cuff 24 and there are no *separate folding guide lines* (paragraph 0017, lines 45-49 and fig. 3). Sasaki *et al.* further discloses distal edge 27 of each barrier cuff 24 pivotally rises around the proximal edge 26 on the upper surface of pad body 23 in at least the crotch region 8 (paragraph 0019, ll. 26-32). Furthermore the absorbent core is *not absent* in any first and second zones formed by the elastic members of Sasaki *et al.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Otsubo reference, US PG Publication 2004/0133178, is cited for showing diaper first and second tuckable guidelines with first and second zones and separate elastic structures. The Suzuki *et al.* reference, US patent no. 6,165,160, is cited for showing an absorbent article with transverse first fold guidelines.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Hill whose telephone number is 571-272-7137. The examiner can normally be reached on Monday through Friday (off every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on 571-272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Laura C. Hill  
Examiner  
Art Unit 3761

LCH



Larry I. Schwartz  
Supervisory Patent Examiner  
Group 3700



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EXAMINER
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ART UNIT	PAPER
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20050407

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents